

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

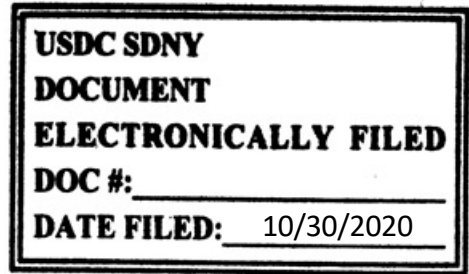
Brian Sughrim et al,

Plaintiffs,

-against-

State of New York et al,

Defendants.



1:19-cv-07977 (RA) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

WHEREAS, by Order, dated July 22, 2020, I left open, and directed further briefing regarding, the issue of whether Plaintiffs were entitled “at this stage of the case” to the names of officers who have requested facial hair accommodations, whether for religious or other reasons (7/22/20 Order, ECF No. 169, ¶ 4); and

WHEREAS, on October 6, 2020, at the request of the parties, I entered a Revised Scheduling Order, which provides, in part, that “[t]he Court will schedule an evidentiary hearing on Plaintiffs’ Motion for Preliminary Injunction at a date and time set by the District Judge following its decisions on the State’s Motion to Dismiss and Plaintiffs’ Motion for Class Certification” (10/6/20 Order, ECF No. 190, at 2); and

WHEREAS, after extensions of the schedule for further briefing, the parties submitted letter briefs regarding the issue of whether Plaintiffs now were entitled to the names of certain of the subject officers (Pls.’ Letter Brief, ECF No. 195; Defs.’ Letter Brief, ECF No. 196).

NOW, THEREFORE, it is hereby ORDERED, as follows:

1. Plaintiffs’ request for the identities of 42 putative class members is DENIED WITHOUT PREJUDICE. No class has yet been certified and the Court finds, in its discretion, that

Plaintiffs are not at this stage of the case entitled to the names of putative class members. *See Oppenheimer Fund, Inc. v. Sanders*, 437 U.S. 340, 354-55 (1978).

2. In the event that a class is certified, Plaintiffs shall be entitled to the identities of class members. Thus, if the Court certifies a class, within three business days after the date of the Order granting class certification, but no later than seven days prior to the evidentiary hearing on Plaintiffs' Motion for Preliminary Injunction, Defendants shall disclose to Plaintiffs the identities of class members.

SO ORDERED.

DATED: New York, New York
October 30, 2020

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line.

STEWART D. AARON
United States Magistrate Judge